

RESPONSE

This is a response to the Office Action dated July 24, 2007. The Examiner rejected claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,981,223 (“Becker”) and Werndorfer (Trillian Instant Messaging Program) (“Werndorfer”).

The rejections from the Office Action of July 24, 2007 are discussed below. No new matter has been added. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

I. WERNDORFER REFERENCE

The Applicant contacted the Examiner via telephone on September 18, 2007. During the conversation the Examiner stated that the Werndorfer reference was created by the Examiner on or around February 12, 2007. The Examiner stated that he downloaded a computer program from the internet, on or around February 12, 2007, and took screenshots of the computer program on or around February 12, 2007. The Examiner then added handwritten text to the screenshots, based on the Examiner’s personal knowledge regarding the operation of the computer program, on or around February 12, 2007. As such, the Applicant believes that the Werndorfer reference has a priority date of February 12, 2007, and therefore is not valid prior art under 35 U.S.C. §102.

The Examiner wrote the date “June 7, 2002” at the bottom of the Werndorfer reference. The Applicant believes the Examiner has not set forth any evidence indicating that the computer program the Examiner downloaded and executed on or around February 12, 2007 existed in the same form on June 7, 2002. There is no evidence that changes were not made to the computer program over the time period of almost 5 years. Furthermore Applicant believes that changes to the underlying operating systems, computer hardware, and other developments in technology may cause the application to behave differently in 2007 than it would have in 2002. Because the Examiner is relying on personal knowledge of the availability and functionality of the computer program on June 7, 2002, to support rejections in the Office Action of July 24, 2007, the Applicant respectfully requests an affidavit from the Examiner to support these rejections according to MPEP 707.05 and 37 CFR 104(d)(2).

The Examiner has provided no written evidence supporting the Examiner’s statements regarding the operation of the computer program and the handwritten text the Examiner added to

the screenshots. The Examiner attempts to read the operation of the software program into the Werndorfer screenshots, but the static screenshots do not provide support for the alleged operations. Because the Examiner is relying on personal knowledge of the operation of the computer program to support rejections in the Office Action of July 24, 2007, the Applicant respectfully requests an affidavit from the Examiner to support these rejections according to MPEP 707.05 and 37 CFR 104(d)(2).

For at least the aforementioned reasons the Applicant believes that the Werndorfer reference is not valid prior art under §102 and as such can not be used in a 35 U.S.C. §103(a) rejection.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as being unpatentable over Becker in view of Werndorfer. The Examiner admits that Becker fails to show “maintaining a pre-programmed minimum height for the friends list page.” Office Action of 07/24/07, p. 3. Werndorfer appears to be a set of screenshots. The Examiner states that “[t]he operation of the software program, Trillian, demonstrates the inability to shrink the friends list page smaller than[sic] a preprogrammed height.” Office Action of 07/24/2007, p. 3. The Applicant believes the screenshots do not show, and as static images are incapable of showing, “maintaining a pre-programmed minimum height for the friends list page.” In Fig. 8, the Examiner handwrote the caption “*minimal size to shrink friends list.” Werndorfer, Fig. 8. The Applicant does not believe the text handwritten by the Examiner on or around 2/12/07 is valid prior art as it does not meet any of the conditions of 35 U.S.C. §102.

Since the images alone can not demonstrate that the friends list page maintains a pre-programmed minimum height, and since the Applicant believes the Examiner’s captions are not valid prior art, the Applicant respectfully submits that claims 1 and 2, and all claims that depend thereon, are patentable over Becker in view of Werndorfer. Furthermore, because the Examiner is relying on personal knowledge of the operation of the computer program in Werndorfer to support the 103(a) rejections of claims 1 and 2, the Applicant respectfully requests an affidavit from the Examiner to support these rejections according to MPEP 707.05 and 37 CFR 104(d)(2).

Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Becker in view of Werndorfer. The Examiner admits that Becker fails to show “retrieving

content of the first interactive content tab from a web page.” Office Action of 07/24/07, p. 4. The Examiner states that “Werndorfer teaches content received from the web” and “[w]hen a user selects a shortcut, the webpage is displayed in a corresponding window on the display.” Office Action of 07/24/07, p. 4. The Applicant respectfully disagrees. Nowhere in Werndorfer is there any indication that content is received from the web, not even in the captions added by the Examiner. Furthermore the claims recite retrieving the content of the first interactive content tab, displayed in the instant messenger window, from a web page. Nowhere in Werndorfer is there any indication that content from a web page may be displayed in the instant messenger window; in fact the examiner states the “webpage is displayed in a corresponding window on the display,” not in the instant messenger window as claimed. Office Action of 07/24/07, p. 4.

Although the Examiner has set forth no arguments as to why claim 4 has been rejected, neither reference discloses “automatically refreshing the content of the first interactive content tab by accessing a data from the web page,” as claimed in claim 4. For at least these reasons Applicant submits that claims 3 and 4 are patentable over Becker in view of Werndorfer. Furthermore, because the Examiner is relying on personal knowledge of the operation of the computer program in Werndorfer to support the 103(a) rejections of claims 3 and 4, the Applicant respectfully requests an affidavit from the Examiner to support these rejections according to MPEP 707.05 and 37 CFR 104(d)(2).

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Becker in view of Werndorfer. Becker teaches moving a mouse cursor over a “Send” command to “send the contents of the text pad 136 and the image pad 138.” Becker, col. 13 ll. 38-39. Becker does not teach sending a message in response to the user selecting content in the first interactive content tab, wherein the message relates to the selected content, as claimed. Nowhere in Werndorfer is there any disclosure of sending a message in response to the user selecting content in the first interactive content tab, wherein the message relates to the selected content, as claimed. For at least these reasons Applicant submits that claim 10 is patentable over Becker in view of Werndorfer. Furthermore, because the Examiner is relying on personal knowledge of the operation of the computer program in Werndorfer to support the 103(a) rejection of claim 10, the Applicant respectfully requests an affidavit from the Examiner to support these rejections according to MPEP 707.05 and 37 CFR 104(d)(2).

CONCLUSION

Each of the rejections in the Office Action dated July 24, 2007 has been addressed and no new matter has been added. Applicant submits that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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Date

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